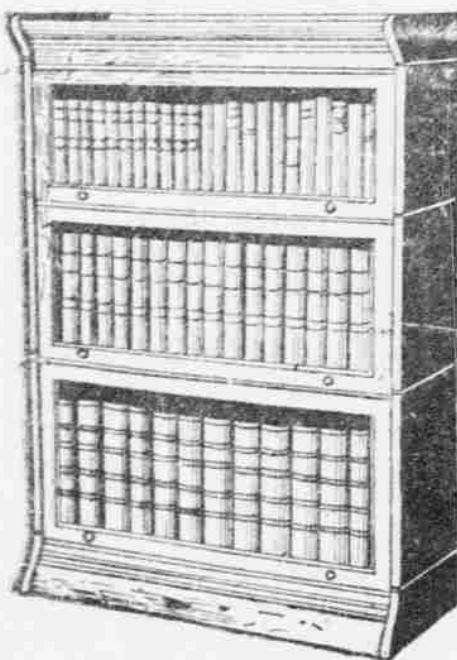


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## BITTERNESS SHOWN IN TRIAL

**Kinney and Lightfoot  
Make Accusations  
in Court.**

The attempt to murder Sheba made last Tuesday by T. Mori, seems to have injected into the conspiracy trial an element of bitterness which was not apparent before. The resumption yesterday morning of the trial was marked by constant bickering between the opposing attorneys, remarks and side remarks calculated to sting and rattle, and, before the session of the day ended, by venomous accusations by Kinney and Lightfoot against each other.

Lightfoot, who is an adept at getting before the jury in form other than evidence facts which have been ruled out of evidence by the judge, asked Negoro, the witness on the stand, a question concerning the papers which "were stolen from his room by the territorial authorities."

Kinney promptly went up in the air and objected vigorously to the remark made by counsel. He said that all evidence concerning the manner in which the papers referred to had been obtained had been ruled out by the judge, yet Lightfoot persisted in referring to the matter in the presence of the jury. "This," proclaimed Kinney, "is a fair sample of counsel's disposition."

Before Kinney had fairly started to speak, Lightfoot was on his feet. "Mr. Kinney," he said, "has admitted that this man's room was burglarized by the authorities and the papers stolen by them."

"I object to any such statements by counsel for the defense," exclaimed Kinney. "His attitude here shows what kind of a man he is. His disposition is such that when the law steps in and intervenes to get evidence of crime, he looks upon it as burglary. He is always on the side of lawlessness. He is never seen on any other side."

Kinney then went on to say that the seizure of Negoro's papers was the same sort of an act as the seizure by the police of the fa chips in a gambling raid. "It is simply the disorderly spirit of this individual [referring to Lightfoot] which prompts him to characterize the taking of Negoro's papers as theft."

"I submit," retorted Lightfoot, "that there is no law which permits the seizure of a man's papers without a search warrant. There is no resemblance between that and the seizure of those fa chips. That was done in New York under a law which makes it illegal to have gambling devices in one's possession, and, besides, they were seized under a search warrant."

**Official Burglary.**  
"Now, it is admitted by counsel for the prosecution, that there was a burglary. There is not any law in this or any civilized country that warrants any such proceeding. It is not the law, that the Territory of Hawaii, without even the sign of a search warrant, can come to my house and break it open because of the suspicion that there is evidence of crime there. There is only one legal way to do it; that is by search warrant. It shows great assurance on the part of counsel to claim otherwise. Although, under the ruling of Your Honor—and I must admit that under the law it was a proper ruling—the papers have been received in evidence, that does not prove that a crime has not been committed."

**Remarks Improper.**  
Kinney attempted to reply but was shut off by the judge, who said that he did not care to hear any more about the matter. Judge De Bolt, turning to the jury, informed them that they were to disregard the matter of how the papers were obtained from Negoro. Lightfoot's reference to burglary His Honor characterized as entirely improper because the court had already barred out all evidence as to how the papers were obtained. Lightfoot, however, had gained his point; he had succeeded in placing the matter before the jury, knowing it would have its effects, even though the judge ruled it out.

Earlier in the session Negoro called down the wrath of the court upon his head because he persisted in trying to give hearsay evidence. He has been cautioned about this time and again, but apparently without effect, for on every possible occasion he tries to work in what he has heard others say. He is equally skillful at trying to argue the case in the presence of the jury. Even his own attorney has frequently to remind him that he must stick to his text and not transgress the orders of the court.

**Must Fight Planters.**  
At one time during yesterday's session Negoro succeeded in arousing Kinney's wrath by a statement he made on the stand. The testimony he was giving was in reference to the alleged plan of the Higher Wage Association which had been found in his room and which had been introduced in evidence. Negoro denied that the plan contemplated the formation of the Higher Wage Association, but asserted that it was his outline of a general organization of the Japanese of Hawaii, which he had hoped to form for the advancement of their moral, intellectual and material welfare. The plan contains a provision for the employment of attorneys to defend the "martyrs" of the proposed association. Lightfoot asked him what was his idea in providing for the employment of attorneys.

"I have noticed," replied Negoro, "that the planters use the police power of the Territory, and anybody who op-

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### SCHOOL REPORT SHOWS GROWTH

**Attendance Increasing Rapidly  
and Appropriation Is  
Inadequate.**

Governor Frear, who has of late been putting in all the time he could spare for the purpose of getting up his annual report to the Secretary of the Interior, has finished that part of it which deals with the schools of the Territory. This contains some interesting figures showing the growth of the public school system during the nine years since the organization of the territorial government.

The report shows that the total enrollment in the public and private schools of Hawaii is now 24,889, an increase of 1444 over that of 1908. Of these, 19,507 are in the public schools, 943 more than attended last year; while 5382, or 501 more than in 1908, are private school pupils.

There are 493 teachers in the public schools of the Territory, seventeen more than last year, and 269 in the private schools, or an increase of fifty-one over the number in 1908.

There are now 153 public schools in Hawaii, one less than in 1908, and fifty-six private schools, an increase of five over last year.

The actual attendance in the public schools is 91 per cent. of the total enrollment. The largest increase in all the schools, 952, is in Japanese pupils. The Chinese come next with an increase of 234; then the Portuguese with 159 more than last year, and the Hawaiians with an increase of 132.

The total number of pupils has increased from 15,537 to 24,889, or 60 per cent., since the organization of the Territory in 1900. The increase in the number of pupils attending the public schools has been 70 per cent. The largest increase for some years back has been in Japanese pupils, the number having grown from 1332 in 1900 to 6115 in 1909—a percentage increase of 374. The Japanese now comprise 25.79 per cent. of the total number of pupils; the Portuguese 18.91; Hawaiians 18.50; part-Hawaiians, 14.79; Chinese, 11.36; and others, 25.44.

Of the total increase for the year,

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### JURY TO HEAR ABOUT ATTACK ON SHEBA

The attempted assassination of editor Sheba is liable to play a very important part in the conspiracy trial. As was to be expected, Lightfoot, when court convened yesterday morning, asked the Judge to instruct the jury, in deliberating upon the case, to disregard the incident, as it had nothing to do with the trial.

Kinney acquiesced in this request—but made the significant statement that he might bring the matter properly before the jury as evidence. This probably means that the jury will be given an opportunity to listen to a full and detailed account of the attempt to kill Sheba, and that the incident will form a strong part of the case of the prosecution.

### NEW AUTO STAND.

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